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JUL 23 2001

OFFICE OF PETITIONS  
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In re Application of  
Swartz  
Application No. 09/750,765  
Filed: December 28, 2000  
For: METHOD AND APPARATUS TO  
CONTROL ISOTOPIC FUEL LOADED  
WITHIN A MATERIAL

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:  
: Letter re Publication  
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This is in reply to "Applicant's Request for Exception to Publication," which was filed on June 4, 2001.

Applicant's request cannot be granted.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

The Office has no statutory authority to accept a nonpublication request that was not filed on the filing date of the application. The application remains scheduled to publish on August 23, 2001.

The application is being returned to Group Art Unit 3641.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-3159.

Karin Tyson  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy